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Proposed Interim Co-Lead Counsel for Plaintiff Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
All Actions

Master Docket No. 11-CV-2509-LHK

**PLAINTIFFS' UNOPPOSED
ADMINISTRATIVE MOTION TO AMEND
PRETRIAL ORDER NO. 1**

Pursuant to Civil Local Rule 7-11, Plaintiffs hereby file this Unopposed Motion to Amend Pretrial Order No. 1 to jointly appoint Lieff, Cabraser, Heimann & Bernstein, LLP ("Lieff Cabraser") and Saveri Law Firm as Interim Co-Lead Counsel for Plaintiffs and the Plaintiff Class. A Proposed Order is attached hereto as Exhibit A. Pursuant to Civil Local Rule 7-11(c), this Administrative Motion is submitted for immediate determination without hearing.

I. BACKGROUND

On September 9, 2011, the Court issued a Stipulated Pretrial Order As Modified No. 1

(Dkt. No. 64), designating Joseph R. Saveri of Lieff Cabraser as Interim Lead Counsel on behalf of all Plaintiffs and the Proposed Class in the Consolidated Action. On May 16, 2012, Richard M. Heimann and Kelly M. Dermody entered notices of appearance for Lieff Cabraser. (Dkt. Nos. 124 & 125.) On May 25, 2012, Joseph R. Saveri left Lieff Cabraser to open Saveri Law Firm. (Dkt. No. 136.) Lieff Cabraser and Saveri Law Firm both wish to maintain their representation of Plaintiffs and the proposed Class, and have the support of the named Plaintiffs and the Plaintiffs' counsel firms to do so together. *See* attached Declaration of Anne B. Shaver in Support of Plaintiffs' Unopposed Motion to Amend Pretrial Order No. 1 ("Shaver Decl."), ¶ 5. The Parties have met and conferred, and Defense counsel have advised Plaintiffs' counsel that they do not oppose this Motion. *Id.*, ¶ 4. Therefore, Plaintiffs' counsel brings this motion asking the Court to amend Pretrial Order No. 1 to jointly appoint Lieff Cabraser and Saveri Law Firm as Interim Co-Lead Counsel.

II. LIEFF CABRASER AND SAVERI LAW FIRM SHOULD BE APPOINTED AS INTERIM CO-LEAD COUNSEL.

Lieff Cabraser and Saveri Law Firm are qualified to serve as Interim Co-Lead Counsel and are committed to working together for the benefit of the class. Shaver Decl., ¶ 14; Declaration of Joseph R. Saveri in Support of Plaintiffs' Unopposed Motion to Amend Pretrial Order No. 1 ("Saveri Decl."), ¶¶ 2-4.

Lieff Cabraser is qualified to continue serving as Interim Co-Lead Counsel in this case. The Lieff Cabraser team, consisting of partners Richard M. Heimann, Kelly M. Dermody, Eric B. Fastiff, and Brendan P. Glackin, and associates Dean M. Harvey and Anne B. Shaver, has already undertaken substantial leadership responsibilities for the benefit of the Plaintiffs and the proposed class. Shaver Decl., ¶ 13. Lieff Cabraser is fully committed to continuing that effort.

As set forth in the Lieff Cabraser firm resume attached as Exhibit A to the Declaration of Anne B. Shaver, partner Richard M. Heimann is a highly-regarded trial lawyer, with extensive experience litigating plaintiff-side antitrust, securities, consumer, and personal injury cases. Shaver Decl., Ex. A; *see also id.*, ¶ 7. He has tried over thirty civil jury trials, and is currently co-lead trial counsel trying the antitrust matter *In re: TFT-LCD (Flat Panel) Antitrust Litig.*, No.

MDL 3:07-md-1827, before Judge Susan Illston in this District. *Id.* Partner Kelly M. Dermody chairs Lieff Cabraser's employment practice, and has extensive experience litigating plaintiff-side employment and consumer matters, including matters related to employee compensation that have involved vast personnel databases of the type involved in this litigation. *Id.*, ¶ 8. She serves as the president of the Bar Association of San Francisco and is a Member of the Governing Council of the American Bar Association's Section of Labor and Employment Law. *Id.* Partner Eric B. Fastiff chairs Lieff Cabraser's antitrust and intellectual property practice, and has served as co-lead counsel in numerous antitrust matters, including *In re: TFT-LCD Antitrust Litig.*, *supra*, and *Sullivan v. DB Investments*, No. 04-02819 (D. N.J.). *Id.*, ¶ 9. Partner Brendan P. Glackin is a member of Lieff Cabraser's antitrust practice group, with expertise in the telecommunications, computer, and high-tech industries. *Id.*, ¶ 10. He is also a member of the *TFT-LCD* team, and served as co-lead trial counsel in the antitrust matter *Meijer v. Abbott Laboratories*, No. C 07-5985, before Judge Claudia Wilken in this District. *Id.*

Associate Dean M. Harvey is a member of Lieff Cabraser's antitrust practice group, with five years' experience representing plaintiffs in antitrust class action litigation. *Id.*, ¶ 11. Mr. Harvey has had substantial responsibility in this litigation from the start, including pre-filing investigations, motion briefing, and appearing on behalf of Plaintiffs and the proposed class at all hearings and case management conferences. *Id.* Mr. Harvey has been a primary point of contact for telephonic and in-person conferences with Defendants. *Id.* Associate Anne B. Shaver is an associate in Lieff Cabraser's employment practice group, with three years' experience representing employees in wage and hour and discrimination class actions. *Id.*, ¶ 12.

The Lieff Cabraser firm has been involved in all aspects of case prosecution and management since the inception of the case. *Id.*, ¶ 13.

The Court previously appointed Joseph Saveri as Interim Lead Counsel while he was a partner at the Lieff Cabraser firm. Saveri Decl., ¶ 2. To date, Mr. Saveri has played an integral role in each phase of the litigation. *Id.* ¶ 3. Mr. Saveri, along with the Lieff Cabraser team, investigated and filed these actions. *Id.* Mr. Saveri has successfully briefed and argued all motions and represented plaintiffs at all case management conferences and other proceedings

1 before the Court. *Id.* Mr. Saveri negotiated the litigation schedule with defendants. *Id.*
 2 Mr. Saveri organized the discovery in this matter and met and conferred with Defendants on
 3 numerous occasions on scheduling, discovery—including ESI and data production—and other
 4 case management issues. *Id.* Prior to opening his own law firm, Mr. Saveri served as the chair of
 5 Lieff Cabraser’s antitrust and intellectual property practice group which was recognized this year
 6 as one of the top five practice groups in California. *Id.*, ¶ 4. During his 25 year career, Mr.
 7 Saveri has handled numerous groundbreaking and landmark antitrust and other cases, including
 8 most recently the direct purchaser price-fixing claims against the cartel of TFT-LCD
 9 manufacturers which has produced over \$400 million in settlements. Mr. Saveri has been
 10 recognized as a leader in the antitrust field. *Id.*

11 Lieff Cabraser and the Saveri Law Firm respectfully submit that together they will provide
 12 the leadership and expertise necessary for a case of this size and complexity.

13 **III. CONCLUSION**

14 For the reasons set forth herein, Plaintiffs respectfully request that Stipulated Pretrial
 15 Order As Modified No. 1 be amended to appoint jointly Lieff, Cabraser, Heimann & Bernstein,
 16 LLP and Saveri Law Firm as Plaintiffs’ Interim Co-Lead Counsel.

17 Dated: June 3, 2012

Respectfully Submitted,

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 19 By: /s/ Kelly M. Dermody

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1 Dated: June 3, 2012

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